

---oo0oo---

In the Matter of: : **STIPULATION AND CONSENT**  
: **ORDER**  
  
Clean Harbors Grassy Mountain, LLC : No. 1405007  
Notice of Violation No. 1401001 :  
UTD991301748

---oo0oo---

This **STIPULATION AND CONSENT ORDER** is issued by the DIRECTOR OF THE UTAH DIVISION OF SOLID AND HAZARDOUS WASTE (Director) pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code Ann. §19-6-101, et seq., Utah Code Ann. §19-6-721, et seq. The Director has authority to issue such ORDERS in accordance with Utah Code Ann. § 19-6-112.

### **JURISDICTION**

1. The Director has jurisdiction over the subject matter of this **CONSENT ORDER** pursuant to §19-6-112, Utah Code Annotated and jurisdiction over Clean Harbors Grassy Mountain, LLC. Clean Harbors Grassy Mountain, LLC and the Director are the parties to this agreement.

### **FINDINGS**

2. Clean Harbors Grassy Mountain, LLC (Grassy Mountain) is a Delaware company licensed to do business in Utah and is a subsidiary of Clean Harbors, Inc.
3. Grassy Mountain is a commercial hazardous waste treatment, transfer, storage and disposal facility located in Tooele County, Utah and is operated under the provisions of the State-issued Hazardous Waste Part B Permit reissued on September 28, 2012, as modified (the Permit) on file with the Division of Solid and Hazardous Waste (the Division).
4. Grassy Mountain is a "person" as defined in Utah Code Ann. § 19-1-103(4) and is subject to all applicable provisions of the Utah Administrative Code (the Rules), the Act and the Permit.
5. Authorized representatives of the Director (inspectors) conducted hazardous waste inspections on September 13, 26, 27, 30 and October 18, 2013.
6. The Director issued NOTICE OF VIOLATION No. 1401001(the NOV) on March 6, 2014, alleging violations by Grassy Mountain of the Permit.
7. Grassy Mountain filed a response to the NOV on April 7, 2014.

## STIPULATION AND CONSENT ORDER

8. The parties now wish to fully resolve Notice of Violation No. 1401001 without further administrative or judicial proceedings.
9. In full settlement of the violations alleged in the NOV, Clean Harbors Grassy Mountain, LLC shall pay a penalty of \$1,993.00. Payment shall be made within thirty days of entry into this **CONSENT ORDER**. Payment shall be made to the State of Utah, Department of Environmental Quality, c/o Scott T. Anderson, Director, Division of Solid and Hazardous Waste, P.O. Box 144880, Salt Lake City, Utah 84114-4880. This amount has been determined in accordance with the Division's Civil Penalty Policy (R315-102 of the Utah Administrative Code), which considers such factors as the gravity of the violations, the extent of deviation from the rules, the potential for harm to human health and the environment, good faith efforts to comply, and other factors.

## EFFECT OF CONSENT ORDER

10. For the purpose of this **CONSENT ORDER**, the parties agree and stipulate to the above stated facts. The stipulations contained herein are for the purposes of settlement and shall not be considered admissions by any party and shall not be used by any person related or unrelated to this **CONSENT ORDER** for purposes other than determining the basis of this **CONSENT ORDER**. Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against Clean Harbors Grassy Mountain, LLC in the event of future non-compliance with this **CONSENT ORDER**, with the Act, with the Rules, or with the Permit; nor shall the State be precluded in any way from taking appropriate action should such a situation arise again at the Clean Harbors Grassy Mountain, LLC facility. However, entry into this **CONSENT ORDER** shall relieve Clean Harbors Grassy Mountain, LLC of all liability for violations which did arise or could have arisen with respect to the allegations contained in the NOV.

## EFFECTIVE DATE

11. This **CONSENT ORDER** shall become effective upon execution by Clean Harbors Grassy Mountain, LLC and the Director.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Clean Harbors  
Grassy Mountain, LLC

Division of Solid and Hazardous Waste

---

Shane Whitney  
Facility General Manager

---

Scott T. Anderson, Director  
Division of Solid and Hazardous Waste

**NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 1401001

Violation Number 1

Violation Description: Disposing of waste that did not meet LDR Standards

1. Gravity Based Penalty
  - (a) Potential for Harm – Minor. The waste was disposed in a permitted hazardous waste disposal cell and was retrieved and placed on a plastic liner within the cell three days after it was placed in the disposal cell.
  - (b) Extent of Deviation – Minor. There was one LDR non-conforming load disposed of out of hundreds that met the standard. Mid-range from the Penalty Matrix for Minor/Minor was used. Penalty amount is \$155.
  - (c) Multiple/Multi-day – Not applicable.
2. Adjustment Factors (if applicable)
  - (a) Good faith - Not applicable
  - (b) Willfulness/Negligence – Prior to the arrival of the waste, Division staff provided Grassy Mountain a report prepared by the University of Florida that demonstrated that CRT glass is a hazardous waste, failing TCLP for lead. Penalty increased 25%.
  - (c) History of Compliance or Noncompliance – Not applicable
  - (d) Ability to pay - Not applicable
  - (e) Other Unique Factors - Not applicable
3. Economic Benefit – Considered, but determined not to be applicable.
4. Recalculation of Penalty based on New Information -  
$$\$155 \times 1.25 = \$193.75$$

(attach additional sheets if necessary)

**TOTAL: \$194**

**NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 1401001

Violation Number 2

Violation Description: Storing hazardous waste in hazardous waste disposal cell that is not permitted for storage.

1. Gravity Based Penalty
  - (a) Potential for Harm - Minor. The four piles of broken CRT glass were placed without treatment in Cell B/6. The loads were placed on plastic liner to keep it from mixing with the material below it.
  - (b) Extent of Deviation – Minor. Only four loads out of hundreds received during the month (that require treatment) were placed in the cell without treatment. Mid-range for Minor/Minor from the Penalty Matrix is \$155.
  - (c) Multiple/Multi-day – Although multi-day penalties are discretionary for Minor/Minor violations, it was applied to this violation because the waste could have been treated much sooner than August 13, 2014. The Penalty Matrix for Multi-Day Violations is \$50/day. The first load of CRT glass arrived on April 15, 2014. On May 15, 2013, Grassy Mountain was instructed by the EPA and DSHW to not move the waste, pending sampling by EPA. As a result, the waste was present in the cell 30 days prior to the suspension of further management of the waste.  $30 \text{ days} - 1 = 29 \text{ days}$ .  $29 \text{ days} \times \$50/\text{day} = \$1,450$ .
2. Adjustment Factors (if applicable)
  - (a) Good faith- Not Applicable
  - (b) Willfulness/Negligence- Not Applicable
  - (c) History of Compliance or Noncompliance- Not Applicable
  - (d) Ability to pay- Not Applicable
  - (e) Other Unique Factors- None
3. Economic Benefit- Considered, but determined not to be applicable.
4. Recalculation of Penalty based on New Information-

$\$155 + \$1,450 = \$1,605$

**TOTAL: \$1,605**

(attach additional sheets if necessary)

**NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 1401001

Violation Number 3

Violation Description: Failing to submit to the Director a written manifest discrepancy report within 15 days.

1. Gravity Based Penalty
  - (a) Potential for Harm – Minor. The Division knew of the discrepancy before the report was submitted.
  - (b) Extent of Deviation – Minor. Approximately 10 manifest reports were submitted during the inspection period. Only one was submitted late. Mid-point for Minor/Minor (\$155) was applied to this violation.
  - (c) Multiple/Multi-day – Multi-day penalties are discretionary for Minor/Minor violations. It was determined not to be appropriate for a late submittal.
2. Adjustment Factors (if applicable)
  - (a) Good faith-
  - (b) Willfulness/Negligence- Grassy Mountain was aware that there was a discrepancy with waste type the week that the waste arrived. As a result, the penalty amount was increased 25%.
  - (c) History of Compliance or Noncompliance-
  - (d) Ability to pay-
  - (e) Other Unique Factors-
3. Economic Benefit- Considered, but determined not to be applicable.
4. Recalculation of Penalty based on New Information-  
 $\$155 \times 1.25 = 193.75$

(attach additional sheets if necessary)

**TOTAL: \$194**

SETTLEMENT PENALTY AMOUNT				
Company Name: Clean Harbors Grassy Mountain ID#: UTD991301748		NOV #: 1401001 NOV Date: 3/06/14		Prepared By: Ed Costomiris Date Prepared: May 16, 2014
Violation number (from NOV)	1	2	3	
Finding Description	Disposal of Untreated Waste	Storage Haz Waste in Landfil Cell	Late Manifest Discrepancy Rept	
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$155.00	
(a) Potential for Harm	Minor	Minor		
(b) Extent of Deviation	Minor	Minor		
2. Select an amount from the appropriate multiday matrix cell	\$0.00	\$50.00		
(a) Number of days of violation		30		
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$1,450.00	\$0.00	\$0.00
4. Add items 1 and 3	\$155.00	\$1,605.00	\$155.00	\$0.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase	25%		25%	
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	25%	0%	25%	0%
10. Multiply item 4 by item 9	\$38.75	\$0.00	\$38.75	\$0.00
11. Add items 4 and 10	\$193.75	\$1,605.00	\$193.75	\$0.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$193.75	\$1,605.00	\$193.75	\$0.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$193.75	\$1,605.00	\$193.75	\$0.00
16. Adjustment amount for ability to pay				
17. Adjustment amount for litigation risk				
18. Add items 16 and 17	\$0.00	\$0.00	\$0.00	\$0.00
19. Subtract item 18 from item 15 for final settlement total	\$194.00	\$1,605.00	\$194.00	\$0.00
TOTAL THIS PAGE =		\$1,993.00	RUNNING TOTAL =	\$1,993.00